



U.S. Department of Transportation  
**National Highway Traffic Safety  
Administration**



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**VIA EMAIL**

September 29, 2023

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RE: Docket No. NHTSA-2023-0038; Request to Extend Written Submission Deadline

Dear Counsel for Manufacturers:

This letter responds to your September 22, 2023 letter regarding the completeness of NHTSA's investigative file and requesting an extension of the written submission deadline associated with NHTSA's September 5, 2023 Initial Decision That Certain Frontal Driver and Passenger Air Bag Inflators Manufactured by ARC Automotive Inc. and Delphi Automotive Systems LLC Contain a Safety Defect.

As you are aware, the investigative file for this matter contains a significant amount of confidential business information. As discussed in this letter, the investigative file refers to the non-public investigative file provided to manufacturers with potential legal obligations under the Vehicle Safety Act and NHTSA regulations that could result from any recall order issued by NHTSA.

Your letter indicates that certain materials appear to be missing from the investigative file. First, you address NHTSA's April 7, 2017 Special Order to ARC Automotive, Inc. (ARC) issued in Engineering Analysis (EA) 16-003. ARC's response to the Special Order was

included in the investigative file. The following file paths will help you locate the relevant materials:

ARC – SPECIAL ORDER – 2017  
ARC – SPECIAL ORDER – 2017 – 20170609-INITIAL  
ARC – SPECIAL ORDER – 2017 – 20170623-SUPPLEMENTAL – 1 OF 2  
ARC – SPECIAL ORDER – 2017 – 20170623-SUPPLEMENTAL – 2 OF 2  
ARC – SPECIAL ORDER – 2017 – 20170626-SUPPLEMENTAL CORRECTION  
ARC – SPECIAL ORDER – 2017 – 20170705-SUPPLEMENTAL CORRECTION

You identify a statement from ARC that it purportedly provided two terabytes of data in response to the Special Order. That statement was made prior to NHTSA providing the investigative file to ARC and the other manufacturers, and ARC has not indicated that it believes the investigative file is incomplete. NHTSA is unaware of the basis for ARC's calculation. However, we believe it is possible that ARC was counting multiple submissions of the same documents (for example, redacted and unredacted copies of documents, and duplicative copies provided for the agency's Office of Defects Investigation and Office of the Chief Counsel).

Second, you indicate that some information provided in response to NHTSA's 2015 Standing General Orders (SGOs) (SGO 2015-01, SGO 2015-01A, SGO 2015-02, and SGO 2015-02A) appears to be missing. The responses to these SGOs related to this investigation were included in the investigative file. The following file path will help you locate the relevant materials:

\_Field Incidents – SGO 2015-02

Although this file path references "SGO 2015-02," it is also inclusive of SGO 2015-02A. As you are aware, the predecessor SGOs (SGO 2015-01 and SGO 2015-01A) were in place for less than a month before they were superseded. There are no responses under the predecessor SGOs related to this investigation.

While NHTSA has already provided the materials addressed by your letter, we recognize that the investigative file is extensive. The agency therefore intends to grant the requested 45-day extension of the deadline to provide written submissions. The prior deadline of October 20, 2023 will be extended for any interested person until December 4, 2023.

Sincerely,

Tanya Topka  
Acting Director  
Office of Defects Investigation

cc: Docket No. NHTSA-2023-0038